

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

IN RE: NATIONAL PRESCRIPTION :
OPIATE LITIGATION : MDL No. 2804
: Hon. Judge Dan A. Polster
This document relates to: :
All Cases :
_____ :

TOPRX LLC’S LIST OF NON-SERVICE CASES

Pursuant to the Court’s January 3, 2023 Order (Doc. 4801), TopRx, LLC (“TopRx”) submits the list attached as Exhibit 1 identifying all plaintiff-subdivisions that named TopRx in an MDL case, but where the plaintiff(s): (1) did not serve a Plaintiff Fact Sheet to the Plaintiff Fact Sheet Repository; and/or (2) did not affect timely service of process in accordance within the 90-day period for service provided by Federal Rule of Civil Procedure 4. As required by the Court’s Order, TopRx is contemporaneously emailing the list contained in Exhibit 1 in Excel format to Plaintiff’s Liaison Counsel and to Special Master Cohen. As noted in Exhibit 1, the list of non-service cases for TopRx includes three cases where Plaintiff failed to timely make effective service because Plaintiff failed to file a waiver of service in the 90-day period provided by Federal Rule of Civil Procedure 4(m). *See Jones v. Bergelectric, Inc.*, 2021 WL 4751371, at *2 (E.D. Cal. Oct. 12, 2021) (“It appears that plaintiff has misunderstood the procedure for waiving service under Rule 4(d); simply obtaining the signed waiver from defendant does not constitute service on a defendant. Rather, *plaintiff must file the executed [signed] waiver* within Rule 4(m)’s 90-day window.”) (emphasis in original).

Dated: January 30, 2023

Respectfully submitted,

/s/ Allen M. Lopus

Robert J. Ridge, Esq.

Pa. ID #58651

Allen M. Lopus, Esq.

Pa. ID # 76544

Clark Hill, PLC

One Oxford Centre, 14th Floor

301 Grant Street

Pittsburgh, PA 15219

Phone: (412) 394-7713

Fax: (412) 394-2555

rridge@clarkhill.com

alopus@clarkhill.com